

**SECOND JUDICIAL DISTRICT COURT  
CENTER FOR SELF HELP AND DISPUTE RESOLUTION**

***SETTLEMENT FACILITATION PROGRAM***

**COMMONLY ASKED QUESTIONS**

**1. Are there any local rules with which I must comply when I have a case referred to Court-annexed settlement facilitation?**

Second Judicial District Local Rule LR2-602, which became effective September 1, 1992, outlines and governs the Second Judicial District's Court-annexed Settlement Facilitation Program. A review of this rule should answer most procedural questions involving settlement facilitation.

**2. What if I no longer represent a party?**

Pursuant to Second Judicial District Local Rule LR2-117, if you entered your appearance for a party by filing the party's initial pleading or an entry of appearance and did not "officially" withdraw from the case (i.e., you have not been permitted to withdraw by Court order), you will still be listed as counsel of record and will continue to receive notices from the Court. (This is especially true now that the Court is producing most of its orders and notices through its computer. It also is especially true when orders are prepared by the Center for Self Help and Dispute Resolution staff who are trained to "over-notice" rather than "under-notice"). While you need not attend the settlement conference, you may wish to correct the confusion by submitting a motion and proposed stipulated order to withdraw pursuant to LR2- 117(C).

**3. What if other persons need notice of the settlement conference?**

The Court mails notice to those persons who have "officially" entered an appearance. See LR2-117. When the court discovers, inadvertently or otherwise, that a person is working on a case but has not "officially" entered an appearance, the Court may provide a "courtesy copy" to such person. If you realize a person needs notice of the settlement conference, you can help by mailing a copy of the Court's order to the person. File a certificate of mailing indicating you have done so.

**4. What if I am unable to attend a settlement facilitation on the date (or within the designated deadline) set by the Court?**

The Court recognizes that conflicts will arise which prevent persons from being able to comply with the date or deadline set by the Court's order, especially during each year's Settlement Week. To reschedule your conference, first contact all other parties and facilitator(s) to see if you all can agree to another date or deadline. If you can agree, then submit a motion and proposed stipulated order changing the date or deadline to the assigned Judge. If you all cannot agree, file your motion and request an expedited hearing.

**5. What if I do not want the appointed settlement facilitator(s) to facilitate my case?**

Write a letter to the assigned Judge requesting a different facilitator(s). You do not need to explain you reasons. You do need to provide a copy of your letter to all other parties and the facilitator(s). The assigned Judge, in conjunction with the Center for Self Help and Dispute Resolution, will appoint a replacement facilitator(s). The Center for Self Help and Dispute Resolution will prepare and mail the necessary order excusing and replacing the facilitator(s). In the alternative, you can contact the other parties and facilitator(s) to see if you all can agree upon a replacement facilitator(s). If you can agree, then submit a motion and proposed stipulated order replacing the facilitator(s) to the assigned Judge and provide an endorsed copy to the original facilitator(s).

**6. What if a party or person with settlement authority cannot attend the settlement conference?**

The Court's order and Section G of LR2-602 require all parties and persons with settlement authority to attend the settlement conference. This rule is strictly enforced and may only be waived upon written order of the assigned Judge. If you represent a party or person with settlement authority who is unable to attend the settlement conference, first call the other parties and the facilitator(s) to see if you all can agree that the person does not need to appear. If you can agree, then submit a motion and proposed stipulated order for non-appearance to the assigned Judge. Even though you all have agreed to the non-appearance, a hearing may be required and the motion may or may not be granted. If you all cannot agree, file your motion and request an expedited hearing. Do not simply attend the settlement conference without the necessary party and/or person with settlement authority; you may be subject to sanctions for doing so. See Section G of LR2-602.

**7. What do I need to provide the facilitator(s)?**

The Court's order and Section H of LR2-602 requires that, at least five (5) days prior to the settlement conference, the participants provide the facilitator(s) with the following: (a) case number and caption; (b) brief description of the case (in Domestic Relations cases include date of marriage, separation and divorce, names, ages, occupations and current annual incomes of parties, and names and ages of children); (c) description of the relief sought; (d) list of all pending factual and legal issues; (e) list of remaining discovery; (f) list of pending dispositive motions; (g) estimate of costs and attorney fees through trial; (h) the last offer made to the other party; and, (i) copies of case law, statutes, pleadings, exhibits, orders and any other information which would be helpful to the facilitator(s).

**8. Does the Court provide information I can forward to my client?**

The Court's "Settlement Facilitation Program Description" (copy enclosed) is intended as an overview of the Settlement Facilitation Program for clients, pro se persons and the public at large.

**9. What if I want the settlement conference canceled altogether?**

Settlement conferences can only be canceled by written Court order. See Section J of LR2-602. If you believe the conference should be canceled, first contact the other parties to see if you all can agree to a cancellation. If you can agree, submit a motion and proposed stipulated order to the assigned Judge. Even though you all have agreed to a cancellation, a hearing may be required and the motion may or may not be granted. If you all cannot agree, file your motion and request an expedited hearing on your motion with the assigned Judge.

**10. What if my case has already settled?**

Write the assigned Judge and facilitator(s) to inform them that the case has already settled and the settlement conference is therefore unnecessary. Make sure documentation of your settlement, e.g., a stipulated order of dismissal, is filed with the Court Clerk, preferably before the date of (or deadline for) the settlement conference.